

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

FRANCIS KEMP,

Plaintiff,

vs.

BOEHRINGER INGELHEIM
PHARMACEUTICALS, INC., and
BOEHRINGER INGELHEIM
INTERNATIONAL GMBH,

Defendants.

8:18CV550

AMENDED
CASE PROGRESSION ORDER

This matter comes before the Court on the parties' Stipulation ([Filing No. 33](#)). After review of the parties' Stipulation, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Stipulation ([Filing No. 33](#)) is granted, and the final progression order is amended as follows:

- 1) The deadlines to complete expert disclosures¹ for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:	March 20, 2020
For the defendants:	April 17, 2020

- 2) The deposition deadline is **April 30, 2020**.
- 3) The deadline for filing motions to dismiss and motions for summary judgment is **May 29, 2020**.
- 4) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **May 29, 2020**.
- 5) The Pretrial Conference is **rescheduled** before the undersigned magistrate judge for **September 4, 2020**, at **10:00 a.m.**, and will be conducted in chambers. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to nelson@ned.uscourts.gov, in Word format, by **3:00 p.m. on August 28, 2020**.

¹ While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 6) The jury trial of this case remains set to commence before Laurie Smith Camp, Senior United States District Judge, in Courtroom 2, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **9:00 a.m. on September 15, 2020**, or as soon thereafter as the case may be called, for a duration of fourteen (14) trial days. This case is subject to the prior trial of other civil cases that may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 7) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 9) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 12th day of February, 2020.

BY THE COURT:

s/ Michael D. Nelson
United States Magistrate Judge